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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/586,480	06/01/2000	Frank Reisinger	P00.0955	8303
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Steven H Noll Schiff Hardin & Waite Patent Department 6600 Sears Tower Chicago, IL 60606			EXAMINER BORISSOV, IGOR N	
			ART UNIT 3628	PAPER NUMBER
			MAIL DATE 08/07/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/586,480

**Applicant(s)**

REISINGER, FRANK

**Examiner**

Igor N. Borissov

**Art Unit**

3628

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Response to Amendment***

Amendment received on 05/11/2009 is acknowledged and entered. Claims 1 and 14 have been amended. Claims 1-14 are currently pending in the application.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freytag (US 5,490,077) in view of Thiel (US 5,606,508).**

Claim 1. Freytag teaches an arrangement for loading rate table data comprising:  
an external scale having a postage calculator requiring rate table data to calculate a monetary postage value for a postal item weighed by said scale (Fig. 9, item 22; C. 16, L. 24-25; Applicant admitted that postal scales having a postage calculator are known, Applicant Arguments/Remarks Made in an Amendment of 05/11/2009, page 8);

a postage meter that prints said monetary postage value on said postal item (Fig. 9, item 22; C. 16, L. 24-25);

a postage meter for printing said monetary postage value (C. 6, L. 48-52; Abstract);

a serially-operating modem which receives the rate table data from an external source other than said postage meter (Fig. 9, item 23 (modem) and item 63 (serial interface); C. 16, L. 26-28);

a switchover module connected between said postage meter, said external scale having a postage calculator and said modem (Fig. 9, item 6 (input/output control unit); C. 16, L. 28), and having a control line for setting a switching state of said switchover module to produce a serial connection between said external source and either said postage meter/calculator or in external scale having the postage calculator to serially conduct data downloading (C. 16, L. 24-28 (serial interconnection); C. 15, L. 48-49 ("direct coupling")),

wherein Freytag's system is capable to be configured to download any data directly from said external source to said postage calculator exclusively via said modem and said switchover module (Fig. 9, items 23 (modem), 63 (serial interface), 62 (serial interface), 22 (scale)).

While Freytag teaches rate tables data (postage fee tables) downloaded to a memory (C. 19, L. 23-46), Freytag does not teach that said rate table data is downloaded to said postage calculator via said modem and said switchover module.

Thiel teaches an arrangement for loading rate table data, said arrangement including a postage meter (C. 4, L. 39), a scale (C. 3, L. 37), input/output means (Fig. 1, item 6) and a transmission means (C. 8, L. 3-4; C. 7, L. 3-5), wherein said arrangement is configured to download postage rate tables data from said external source to said postage calculator via said transmission means and said input/output means (C. 7, L. 3-5).

It would have been prima facie obvious to one having ordinary skill in the art at the time the invention was made to modify Freytag to include that said rate table data is downloaded to said postage calculator via said modem and said switchover module, as disclosed in Thiel, because it would advantageously allow to simplify rate updating on the distributed over the large geographic area postage meters and scale and, thereby, avoiding situation when the updating is generally made after the fact, and the postage rate table does not become valid on the correct date and at the correct time, as specifically stated in Thiel (C. 1, L. 27-31).

Furthermore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include modem utilization for rate data transfer as taught by

Thiel in the system of Freytag, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable. *KSR*, 127 S.Ct. at 1740, 82 USPQ2d at 1396.

Claim 2. Freytag teaches a postage meter machine containing said postage meter, and wherein said switchover module is contained within said postage meter machine (fig. 1, item 6).

Claim 3. (Original) An arrangement as claimed in claim 2 wherein said postage meter machine comprises an input/output control module containing a modem interface and a scale interface, and wherein said postage calculator comprises a postage calculator interface, said switchover module being connected between said modem interface, said scale interface and said postage calculator interface and said scale comprising means for supplying a signal on said control line to switch said switchover module to a switching state wherein said postage calculator, via said postage calculator interface, directly receives said rate table data (same reasoning as applied to claim 1).

**Claims 4-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freytag in view of Thiel and further in view of Dlugos et al. (US 4,410,961).**

Claim 11. The combination of Freytag and Thiel teaches all the limitations of claim 11, except specifically teaching that said modem switchover module is disposed externally of said postage meter machine.

Dlugos et al. (Dlugos) teaches a peripheral controller interface (a switchover module) between a processor system and peripheral devices used in a mailing system, wherein said interface is provided as a separate, self-contained board and is adapted to establish communications links between the system processor and various mailing

system peripheral devices such as electronic postage meters (Fig. 1, item 24; C. 4, L. 30-34).

It would have been prima facie obvious to one having ordinary skill in the art at the time the invention was made to modify the combination to include that said modem switchover module is disposed externally of said postage meter machine, as disclosed in Dlugos, because it would advantageously allow to utilize such a controller with portable versions of the mailing system. Furthermore, having said controller situated externally of said postage equipment would simplify the task of upgrading said controller with a progress of technology.

Claim 12. Freytag teaches that said scale with said postage calculating module is external from said postage meter machine (Fig. 9, item 22).

Claims 4-7. Dlugos discloses specifics of contact groups, transmission line and reception line (Fig. 2). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the recited features of Dlugos into the teachings of the combination since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable. *KSR*, 127 S.Ct. at 1740, 82 USPQ2d at 13965.

Claims 8-10. Said arrangement as claimed in claim 7 wherein said postage calculator operates with existing rate table data and wherein said rate table data from said external source comprise updated rate table data, and wherein said postage calculator includes a first memory area wherein said existing rate table data are stored and a second memory area wherein said updated rate table data are stored after actuation of said selection key, said updated rate table data including conversion data identifying an effective date of the updated rate table data, and said postage calculator having a third memory area in which said conversion data are stored, and said postage calculator automatically replacing said existing rate table

data with said updated rate table data at a time of first use of said postage calculator following said effective date (Freytag, C. 15, L. 56-60; CD. 19, L. 24-55; C. 20, L. 36-40, 65-67; C. 21, L. 1-4; Thiel, C. 46-60; C. 4, L. 48-55).

**Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freytag in view of Thiel further in view of Dlugos et al. and further in view of Jacobsen et al. (US 2001/0043166 A1).**

Claims 13 and 14. The combination of Freytag, Thiel and Dlugos et al. teaches all the limitations of claims 13 and 14, except that said switchover module and said external modem are combined to form a docking station.

Jacobsen et al. (Jacobsen) teaches a docking station for an electronic device, said station including a switch module and an external modem combined ([0196]; Fig. 13T).

It would have been prima face obvious to one having ordinary skill in the art at the time the invention was made to modify the combination to include that said switchover module and said external modem are combined to form a docking station, as disclosed in Jacobsen, because it would advantageously allow to turn a portable version of postage equipment into a desktop machine and allows users a convenience of using such peripherals as a monitor and a full-sized keyboard.

### ***Response to Arguments***

Applicant's arguments filed 05/11/2009 have been fully considered but they are not persuasive.

Applicant argues that the proposed combination would not solve the bottleneck problem (created when the downloading of the rate tables proceeds through the postage meter, and then the rate table data are forwarded to the postage scale from the

postage meter), because even if the postage meter disclosed in the Freytag reference were placed in communication with a remote data center, and were also in communication via I/O 22 with a postal scale having a postal calculator therein, the rate table data would still have to proceed through the postage meter (from the chip card reader) to the scale, and therefore the aforementioned bottleneck still would exist.

In response to this argument the examiner points out that Freytag's system is capable to be configured to download any data directly from said external source to said postage calculator exclusively via said modem and said switchover module (Fig. 9, items 23 (modem), 63 (serial interface), 62 (serial interface), 22 (scale)). Furthermore, said switchover module in Freytag's system is connected between said postage meter, said external scale having the postage calculator and said modem (Fig. 9, item 6 (input/output control unit); C. 16, L. 28), and having a control line for setting a switching state of said switchover module to produce a serial connection between said external source and either said postage meter/calculator or in external scale having the postage calculator to serially conduct data downloading (C. 16, L. 24-28 (serial interconnection); C. 15, L. 48-49 ("direct coupling")). Other words, Freytag's system is adapted to download data from an external source via said switchover module or directly to the postage meter, or, alternatively, directly to the external scale having the postage calculator.

As per the specific content of said downloaded data, Thiel was applied to show that said downloaded data is the rate table data required to calculate a monetary postage value for a postal item weighed by said external scale.

The remaining applicant's arguments essentially repeat the arguments presented above; therefore, the responses presented by the examiner above are equally applicable to the remaining applicant's arguments.



***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 571-272-6801. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

/Igor N. Borissov/  
Primary Examiner, Art Unit 3628  
8/04/2009